



CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER OF PATENTS, WASHINGTON, D.C. 20231 ON 17 September 1997

September 17, 1997
AGENT/ATTORNEY FOR APPLICANT

DATE

Attorney Docket No.: GM50005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Payne, et. al. September 17, 1997

Serial No.: 08/790,043

Filed: January 28, 1997

For: Novel FabI

Assistant Commissioner of Patents
Box Missing Parts
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
FILING DATE GRANTED

Sir:

This letter is in response to the "Notice to File Missing Parts of Application - Filing Date Granted" mailed on April 3, 1997 which indicated that the signatures of the inventors on the Declaration for the subject patent application are missing. A copy of "The Notice to File Missing Parts of Application - Filing Date Granted" is enclosed.

Enclosed please find a Declaration and Power of Attorney for the subject patent application which has been fully executed by the inventors of the subject patent application in compliance with 37 C.F.R. 1.63.

Please charge the \$130.00 surcharge for late filing of the fully executed declaration.

Applicants hereby petition for an extension of time for response from the date of the Examiner's action as needed, the fee being as follows:

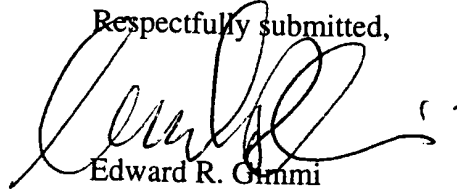
()	one month extension.....	\$ 110
()	two months extension.....	\$ 390
()	three months extension.....	\$ 930
(X)	four months extension	\$1470

10/08/1997 JTIPPEL 00000029 DAH:192570 08790043
02 FC:116 1470.00 CH

08790043 012697

Charge \$1,600.00 to Deposit Account No. 19-2570. Please charge any additional requisite fees for filing the enclosed Declaration and Power of Attorney or credit any over-payment to Deposit Account No. 19-2570. Two copies of this form are enclosed.

Respectfully submitted,



Edward R. Gimmi
Attorney for Applicants
Registration No. 38,891

SMITHKLINE BEECHAM CORPORATION
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone (610) 270-4478
Facsimile (610) 270-5090
Document2

00790043-012397

SEP 19 1997

Application No.: 790043
**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

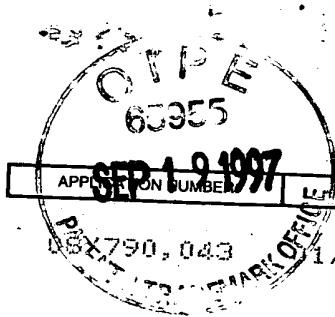
For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NUMBER 08X790,043	FILING/RECEIPT DATE 11/28/97	FIRST NAMED APPLICANT PAYNE	ATTORNEY DOCKET NO./TITLE D GM50005
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SMITHKLINE BEECHAM CORPORATION
 CORPORATE INTELLECTUAL PROPERTY UW2220
 P O BOX 1539
 KING OF PRUSSIA PA 19406-0939

NOT ASSIGNED

DATE MAILED: 1819

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

04/03/97

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted **ALONG WITH THE PAYMENT OF A SURCHARGE** for items 1 and 3-6 only of \$ 20 for a ☒ large entity ☐ small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
☒ large entity ☐ small entity (verified statement filed), is \$ 20

- ☐ 1. The statutory basic filing fee is:
☐ missing.
☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.
Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:
☒ is missing.
☐ does not cover the newly submitted items.
☐ does not identify the application to which it applies.
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are:
☐ missing.
☐ by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$ _____ processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☒ 8. The application does not comply with the Sequence Rules.
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

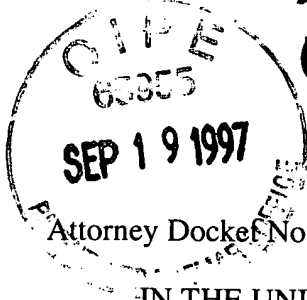
- ☐ 9. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the response.

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

10/08/1997 JTIIPPETT 00000029 DHH:192570 0870043
 01-FC:105 130.00 CH



Attorney Docket No. GM50005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Payne, et. al.

September 17, 1997

Serial No.: 08/790,043

Group Art Unit No.: 1819

Filed: January 28, 1997

Examiner: Unknown

For: Novel FabI

Assistant Commissioner of Patents
Washington, D.C. 20231

LETTER

Please find enclosed, a second copy of the Statement to Support Filing and Submission transmittal in accordance with 37 C.F.R. §§ 1.821 through 1.825, Sequence Listing and a computer readable diskette. A first copy of this Statement, Sequence Listing and diskette were filed on January 28, 1997.

Respectfully submitted,

Edward R. Gimmi

Attorney for Applicants

Registration No. 38,891

SMITHKLINE BEECHAM CORPORATION

Corporate Intellectual Property - UW2220

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Applicant: Payne, et. al

17 September 1997

Serial No.: 08/790,043

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Filed: January 28, 1997

Examiner: Unknown

For: Novel FabI

**STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE
WITH 37 CFR §§ 1.821 THROUGH 1.825**

BOX SEQUENCE

Assistant Commissioner of Patents
Washington, D.C. 20231

- (X) I hereby state that the contents of the paper and computer readable copies of the Sequence Listing, submitted in accordance with **37 CFR §1.821(c)** and (e), respectively, are the same.
- (X) I hereby state that the submission filed in accordance with **37 CFR §1.821 (g)** does not include new matter.
- () I hereby state that the submission filed in accordance with **37 CFR §1.821 (h)** does not include new matter or go beyond the disclosure in the international application as filed.
- () I hereby state that the amendments, made in accordance with **37 CFR §1.825 (a)**, included in the substitute sheet(s) of the Sequence Listing are supported in the application, as filed, at pages _____. I hereby state that the substitute sheet(s) of the Sequence Listing does (do) not include new matter.
- () I hereby state that the substitute copy of the computer readable form, submitted in accordance with **37 CFR §1.825(b)**, is the same as the amended Sequence Listing.

